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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MELISSA PACHECO,

12 Plaintiff,

13 v.

14 SELMA UNIFIED SCHOOL DIST., et al.,

15 Defendants.
16

Case No.: 1:25-cv-0654 JLT SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE,
TERMINATING THE MOTION TO PROCEED
IN FORMA PAUPERIS AS MOOT, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Docs. 2, 7)

17 Melissa Pacheco seeks to hold the defendants liable for failure to implement an identified
18 504 accommodation for her son, which she asserts resulted in her son having “failing grades and
19 denial of ability to participate in graduation.” (Doc. 1 at 4.) Previously, the Court found Plaintiff
20 lacked standing to pursue her claims, because she cannot bring a *pro se* action on her child’s
21 behalf. (*See* Doc. 6 at 2.) The magistrate judge also found Plaintiff failed to prosecute this action
22 and failed to comply with the Court’s order. (Doc. 7 at 1-2.) The magistrate judge determined
23 terminating sanctions are appropriate after considering the factors identified by the Ninth Circuit
24 in *Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 (9th Cir. 2019). (*Id.* at 2-3.) Thus, the
25 magistrate judge recommended dismissal “without prejudice for failure to state a claim, failure to
26 prosecute this action, and/or failure to comply with the Court’s order.” (*Id.* at 3.)

27 The Court served the Findings and Recommendations on Plaintiff and notified him that
28 any objections were due within 14 days. (Doc. 7 at 4.) The Court advised him that the “failure to

1 file any objections within the specified time may result in the waiver of rights on appeal.” (*Id.*,
2 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
3 objections, and the time to do so has passed.

4 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
5 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
6 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued June 30, 2025 (Doc. 7) are
8 **ADOPTED** in full.
- 9 2. This action is **DISMISSED** without prejudice.
- 10 3. Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) is terminated as **MOOT**.
- 11 4. The Clerk of Court is directed to close this case.

12
13 IT IS SO ORDERED.

14 Dated: **July 28, 2025**


UNITED STATES DISTRICT JUDGE